



1 This motion is brought pursuant to Local Bankruptcy Rule 4001-1 and 9014-1(f)(2) of the  
2 Local Rules of Practice for the United States Bankruptcy Court, Eastern District of California and  
3 is supported by the concurrently filed notice and declaration, as well as all other papers and  
4 pleadings on file in the Debtor's bankruptcy case, and such other evidence as may be filed prior  
5 to, or presented at, the hearing(s) in this matter.

6 **STATEMENT OF FACTS:**

7 The factual allegations herein are supported by the concurrently filed declaration of Julie  
8 Becking.

9 On or about 7/1/2007, Debtor and Movant's predecessor in interest ("Dealer") entered into  
10 a Motor Vehicle Contract and Security Agreement ("Contract") for the purchase of a 2004 Nissan  
11 Titan, Vehicle Identification No. 1N6AA07A54N524508 ("Vehicle"). The Dealer then assigned  
12 the Contract and Vehicle Title to Movant. A true and correct copy of the Contract is attached to  
13 the accompanying Exhibit Document as Exhibit A. Movant perfected its security interest in the  
14 Vehicle by recording its lien on the certificate of title to the Vehicle. A true and correct copy of  
15 the Motor Vehicle Registration Report evidencing Movant's lien in the Vehicle is attached to the  
16 accompanying Exhibit Document as Exhibit B.

17 Pursuant to the terms of the Contract, Debtor is obligated to pay Movant 72 monthly  
18 payments of \$397.35 on or before the 31st day of each month. The Contract also provides that  
19 Debtor will pay Movant's collection costs, including any reasonable attorneys' fees and court  
20 costs.

21 On 4/16/2010, Debtor filed a petition for relief under Chapter 7.

22 Debtor has defaulted under the Contract and Movant's records reflect that the Debtor's  
23 account is currently due for the month(s) of 12/31/2009 forward with payment defaults totaling  
24 \$2,384.10 plus attorneys fees and costs. The remaining sums owing under the Contract, including  
25 accrued and unpaid charges, total \$14,212.33.

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